REMARKS

The Applicant appreciates the thoroughness with which the subject application has been examined. By this amendment, claims 1, 13, 17 and 18 have been amended to overcome the Examiner's rejections and more concisely claim and describe the present invention. Claims 1-20 remain in the application for reconsideration by the Examiner. The Examiner's allowance of all pending claims is earnestly solicited.

MATTERS RELATED TO THE DRAWINGS

The Applicant submits corrected drawings as required by the Examiner. The new drawings are enclosed as Attachment 1.

MATTERS RELATED TO THE SPECIFICATION

Examiner Hung has objected to the specification due to a typographical informality on page 12, line 8. The Applicant appreciates the indication of this error and proposes to correct the paragraph as set forth above. The Applicant has also identified additional typographical informalities in the specification and proposes to correct those informalities as indicated above in the marked-up specification paragraphs.

MATTERS RELATED TO THE CLAIMS

The Examiner has rejected claim 1 under Section 102(b) as anticipated by Bhaskaran (*Image and Video Compression Standards Algorithms and Architectures, 2nd Ed., 1997*).

To further define the invention over the cited art, the Applicant has amended claim 1 as set forth above in the marked-up version of the claim. In particular, the claim now refers to "colored data pixels" in the preamble and further notes in the preamble that, "the colored data pixels comprise one of at least two different colors." Additionally, paragraph (c) of claim 1 has been amended to now read, "assigning a second instruction to a plurality of successive data pixels, wherein the second instruction comprises a first bit field indicating the number of successive colored data pixels and a second bit field for each colored data pixel, and wherein contents of the second bit fields indicate the color of the associated colored data pixel."

With respect to Bhaskaran, he discloses a technique related to "bi-tonal" images, "that is, the pixels take on one of two values, black or white, and these values are represented with one bit

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per pixel." Bhaskaran's reference to "color" in the third line of section 2.11.1 refers to the colors black or white.

It is respectfully submitted that Applicant's amended claim 1 is patentably distinct from Bhaskaran as the claim now refers to, "pixels comprising one of at least two different colors" in addition to the background color. The Applicant further sets forth in paragraph (c) of claim 1 the inventive technique for indicating the pixel color. Thus, since Bhaskaran discloses a technique for encoding only black or white pixel values, and the Applicant teaches a technique for encoding at least three colors (e.g., two colored pixel values and the background color), the Applicant's invention is patentably distinct from the Bhaskaran reference.

It is further noted that claim 5, depending from claim 1, as originally submitted relates to, "bit fields [for] identif[ying] the color for one or more of the successive data pixels." This claim stands rejected under Section 103 over Bhaskaran. The Examiner further states in his rejection of claim 5 that it would have been obvious to one of ordinary skill in the art to append a plurality of color-identifying fields to the second instruction when the run of data pixels it describes have more than one color. The motivation would have been to be able to faithfully reproduce the colors of the encoded pixels.

It is the Applicant's understanding that the provisions of the Patent Statute, pertinent regulations and court opinions prohibit the use of the Applicant's claims as a guide in stating that which would have been obvious in the art, as Examiner Hung has done here. It is respectfully suggested that the Examiner has simply taken an element of prior art (the Bhaskaran reference) and with hindsight provided by the Applicant's claim 5, indicated that the Bhaskaran reference plus the Applicant's claim 5 discloses Applicant's invention as set forth in claim 5. This is not a permissible claim rejection argument. The Examiner's argument must present a convincing line of reasoning as to why one of ordinary skill in the art would have found the invention set forth in claim 5 to be obvious in light of Bhaskaran. Bhaskaran lacks any teaching or suggestion or even mention of an image having at least three colors and therefore cannot serve as the basis for a rejecting a claim that refers to colored pixels. To permit such a rejection would open the door to rejections in the nature of simply reciting the Applicant's claim and declaring that it is known to those of ordinary skill in the art. It is submitted that the Examiner's conclusory and unsupported leap from the Bhaskaran reference to Applicant's claim 5 is not compliant with acceptable claim rejection practice.

Each of the dependent claims 2-12, depending either directly or indirectly from amended independent claim 1, have been rejected under Section 103(a) as unpatentable over Bhaskaran in conjunction with one or more of Matsushiro (6,301,300), Imade (5,872,864), Tateyama (5,515,077), Cullen (5,781,665), Kelly (6,448,922) and Ozaki (5,345,316). It is respectfully submitted that each of the dependent claims 2-12, depending from amended independent claim 1, includes one or more elements that further patentably distinguish the invention over the art of record. These claims should therefore be in condition for allowance.

Independent claim 13 stands rejected under Section 103(a) as unpatentable over Bhaskaran and Matsushiro, further in view of Cullen, Imade and Kelly.

As discussed above in conjunction with the rejection of claim 1, the primary reference, Bhaskaran, cited to reject claim 13 does not relate to images having more than black and white colors. As can be seen from the preamble of claim 13, the Applicant refers to, "data pixels each having one of a plurality of different colors." Since plurality is defined as more than one, and given that certain other pixels depict the image background (as also set forth in the claim 13 preamble), the Bhaskaran bi-tonal reference cannot disclose or fairly suggest the teachings of the Applicant's invention as related to data pixels each having one of a plurality of different colors. To further clarify the Applicant's invention, paragraph (g) of claim 13 has been amended as indicated above to delineate the use of a plurality of different colors for the data pixels.

Notwithstanding that the cited references do not disclose or suggest the Applicant's invention as set forth in claim 13, there is no disclosure for making the combination proposed by the Examiner, much less a disclosure as to specifically how the references could be combined. It is highly unusual and considerably unlikely that there is some basis, motivation or suggestion in one or more of the five references cited against claim 13 that permits making the proposed combination of five references. The Examiner's comment that the various references are combinable because, "they [all] have aspects that are from the same field of endeavor of image processing," does not satisfy the requirements for combining references.

As to dependent claims 14-16, all rejected under Bhaskaran and various combinations of Matsushiro, Cullen, Imade, Kelly, and Fukumoto (JP 2001-265316), it is suggested that each of these dependent claims includes elements that distinguish over the art of record and therefore should be in condition for allowance.

Claim 17 stands rejected because it is a method for decoding the data stream resulting from the encoding method of claim 13.

In response to the rejection, claim 17 has been amended in a manner similar to the amendment to claim 13. In particular, paragraph (e) now refers to, "a second field representing the color from the plurality of different colors, of each successive data pixel." Like claim 13, it is further noted that claim 17 refers to data pixels each having one of a plurality of different colors. Therefore, the remarks set forth above with respect to the rejection and allowability of claim 13 apply with equal applicability to claim 17. Claim 17 is now believed to be in allowable condition.

Independent claim 18 stands rejected under Section 103(a) as unpatentable over Bhaskaran, Matsushiro, Cullen, Imade, Kelly, and further in view of Wendt (4,422,180).

Claim 18 is a system claim specifically reciting that, "the graphical weather image comprises a background color and a plurality of information colors." Thus, it can be seen that the primary reference Bhaskaran is not applicable. To further elucidate the present invention as set forth in claim 18, the Applicant has amended the first paragraph, which now reads in part, "compressing the data bits according to the number of successive pixels of the background color and for successive pixels of the information color according to a first bit group indicating the number of pixels of an information color and a second bit group indicating the information color from the plurality of information colors for each pixel indicated by the first bit group."

None of the cited references individually or in combination discloses or fairly suggests the claimed apparatus for compressing the background color and information color bits as set forth in claim 18. For example, none discloses or suggests, "a data compressor for receiving data bits representing the pixels comprising the graphical weather image and for producing a compressed data bit stream by compressing the data bits according to the number of successive pixels of the background color and for successive pixels of the information color according to a first bit group indicating the number of pixels of an information color and a second bit group indicating the information color from the plurality of information colors for each pixel indicated by the first bit group."

The penultimate paragraph of claim 18 has also been amended to comport with the amendments to the first paragraph. These changes are set forth above in the marked-up version of the claim.

Notwithstanding that the cited references do not disclose or suggest the Applicant's invention as set forth in independent claim 18, there is no disclosure for making the combination proposed by the Examiner, much less a disclosure as to specifically how the references could be combined. It is highly unusual and considerably unlikely that there is some basis, motivation or suggestion in one or more of the six references cited against claim 18 that permits making the proposed combination of five references. The Examiner's comment that the various references are combinable because, "they [all] have aspects that are from the same field of endeavor of data encoding/decoding," does not satisfy the requirements for combining references.
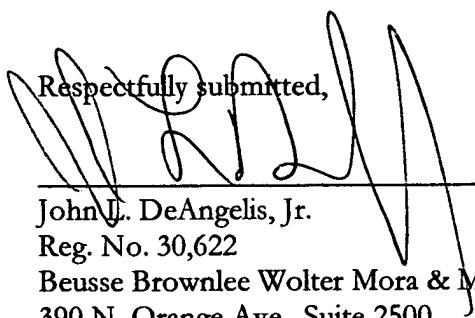
The Applicant therefore suggests that independent claim 18, as amended, is allowable over the cited art.

As to dependent claims 19 and 20 depending from independent claim 18, each of these claims includes elements that further distinguish over the art of record.

The Applicant has attempted to comply with all of the points raised in the Office Action and it is believed that the remaining claims in the application, i.e., claims 1-20, are now in condition for allowance. In view of the foregoing amendments and discussion, it is requested that the Examiner's claim rejections have been overcome. It is respectfully requested that the Examiner reconsider these rejections and objections and issue a Notice of Allowance for all the claims pending in the application.

If a telephone conference will assist in clarifying or expediting this Amendment or the claim changes made herein, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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ATTACHMENT 1

FIGURES 1 and 2

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